

REMARKS

In the Office Action dated June 23, 2005, the Office rejected claims 23-26, 30 and 31 under 35 U.S.C. § 102(b) as being anticipated by either Benzinger et al. or Jelinek. It was the stated view of the Office that both references disclosed independently rotating punch and die assemblies thereby anticipating the present invention. Additionally, the Office rejected claims 14-21 and 27-29 pursuant to 35 U.S.C. § 103 as being unpatentable over Jelinek in view of Hinks. Again the Office noted with respect to the Jelinek reference that this reference taught selectively independently rotating punch and die assemblies.

Applicant is of the view that the clear teachings of the Jelinek reference are contrary to the Office holding. In particular, the Office's attention is directed to column 1, beginning at line 30 which states as follows:

An upper turret member provides a plurality of punch assemblies supported thereon in equally spaced orientation with a lower turret member carrying a plurality of dies which are complementing to and moved in synchronization with the upper turret punch assemblies into register with a machine punching axis as required. The indexing system includes individual chain drives to the upper and lower turrets which are driven from a common drive shaft mounted vertically on the punching machine frame. The drive shaft carries an index gear which is arranged to rotate the drive shaft in a monodirectional incremental fashion to indexably advance the upper and lower turrets one punching station spacing with each cycle of the indexing system.

This synchronous drive arrangement is also claimed in claim 1 (column 6, lines 43-44).

The clear teaching of Jelinek therefore is contrary to the holding of the Office. In fact, Jelinek does not include selectively independently rotatable punch and die assemblies, but rather units that run synchronously together with a common chain drive.

Further, with respect to the Benzinger reference U.S. Patent No. 4,602,541, the Office continues the same misunderstanding by stating that both the punch and die

assemblies are independently rotatable. In fact, Benzinger teaches only that the die or die holder may rotate independently of the ram assembly, such is taught at column 10, beginning at line 21. In this regard, this same reference teaches as follows:

However, if so desired, a stripper assembly which is rotatable relative to the ram assembly may also be employed. The die or die holder may also be rotatable independently of the ram assembly, or the die or die holder may be mounted in a fashion so as to be rotatable relative to the support under the claiming pressure of the rotatable stripper assembly.

There is no other teaching in the Benzinger reference which suggests a selectively independently rotatable punch assembly in combination therewith. In fact, the Benzinger reference merely shows an automatic tool changer mechanism generally designated by the numeral 40, and which is disposed within a tool changer housing 42 at the base of the press and which is utilized to change the punch utilized by the ram. There is no other suggestion or teachings regarding a selectively rotatable punch assembly as described herein.

In view of the foregoing, the Office has failed to present any anticipatory reference, or a combination of references which would render obvious the claims in the previously presented claims 30 and 31 which are again presented to the Office for favorable action.

In the Office Action, the Office indicated that claim 22 was objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

In accordance with the helpful suggestions of the Office, amended claim 22 is provided herewith. In view of the amendments which have been made to claim 22 it is believed that claim 22 is allowable over the art of record.

New claim 32 which is provided herewith is similar to that which has been deemed allowable in claim 22.

In view of the foregoing, it is believed that both claims 22 and new claim 32 are allowable over the art of record.

In view of the foregoing, it would appear that this application is now in condition for allowance and prompt a prompt Notice of Allowance of claims 22, 30, 31 and 32 is respectfully requested in the Office's next action.

Applicant, by and through their counsel, would request that the Office telephone the attorneys in the event that a further telephone conference could expedite the prompt handling of the present application.

Respectfully submitted,

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By: _____


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